

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA LP, AKTIEBOLAGET)	
DRACO, KBI INC. and KBI-E INC.,)	
) Civil Action No. 08-305-GMS
Plaintiffs,)	
)
v.)	
)
BARR LABORATORIES, INC. and)	STIPULATION OF DISMISSAL OF
BARR PHARMACEUTICALS, INC.,)	COMPLAINT AND PROPOSED ORDER
)
Defendants.)	
)

STIPULATION OF DISMISSAL OF COMPLAINT AND [PROPOSED] ORDER

Plaintiffs AstraZeneca LP, Aktiebolaget Draco, KBI Inc. and KBI-E Inc. (collectively “Plaintiffs”) hereby stipulate to dismiss the Complaint filed by Plaintiffs against Barr Pharmaceuticals, Inc. (“Barr Pharmaceuticals”) in the above-captioned action. The action will continue against defendant Barr Laboratories, Inc. (“Barr Laboratories”). It is further stipulated that this dismissal is without prejudice, and is premised upon the following stipulations:

1. Barr Pharmaceuticals stipulates to be bound, to the same extent that Barr Laboratories will be bound, by any Final Judgment in the above-captioned action regarding infringement, validity and/or enforceability of United States Patent Nos. 6,423,340 and 5,643,602 with respect to the drug product that is the subject of Barr Laboratories’ Abbreviated New Drug Application (“ANDA”) No. 90-379.
2. Barr Pharmaceuticals stipulates that any Order granting preliminary or permanent injunctive relief in the above-captioned action against Barr Laboratories with respect to the approval, manufacture, importation, sale, use, or offer for sale of the drug product that is the subject of Barr Laboratories’ ANDA No. 90-379 shall apply equally to Barr Pharmaceuticals.

3. Barr Pharmaceuticals stipulates that, to the extent that it has documents, witnesses, and information in its custody and control that are relevant to the Complaint against Barr Laboratories, Barr Pharmaceuticals agrees to provide Plaintiffs with such documents, witnesses and information in response to discovery requests to Barr Laboratories, to the same extent Barr Pharmaceuticals would be required to do so in response to a subpoena to a non-party.

4. The case caption should be amended to read: AstraZeneca LP, Aktiebolaget Draco, KBI Inc. and KBI-E Inc., Plaintiffs, v. Barr Laboratories, Inc., Defendant, Civil Action No. 08-305-JJF.

SO STIPULATED

Dated: July 25, 2008

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ James W. Parrett, Jr.

Jack B. Blumenfeld (#1014)
 James W. Parrett, Jr. (#4292)
 1201 North Market Street
 P.O. Box 1347
 Wilmington, DE 19899
 (302) 658-9200
 jblumenfeld@mnat.com
 jparrett@mnat.com

Attorneys for Plaintiffs

OF COUNSEL:

George F. Pappas
 Jeffrey B. Elikan
 Edward H. Rippey
 Andrea G. Reister
 Sarah J. Chickos
 Derek J. Fahnestock
 Covington & Burling LLP
 1201 Pennsylvania Avenue, N.W.
 Washington D.C. 20004
 (202) 662-6000

PHILLIPS, GOLDMAN & SPENCE, P.A.

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)
 1200 North Broom Street
 Wilmington, DE 19806
 (302) 655-4200
 jcp@pgslaw.com

Attorney for Defendants

OF COUNSEL:

George C. Lombardi
 Bradley C. Graveline
 Amy Flaherty Hartman
 Eric L. Broxterman
 Dana E. Schaffner
 Winston & Strawn LLP
 35 West Wacker Drive
 Chicago, Illinois 60601
 (312) 558-5600

SO ORDERED

Dated: _____

Honorable Gregory M. Sleet
United States District Judge